

JUNE 8, 2011
RPPC REGULATION REVISION WORKSHOP
HAND-OUT #4 – RESIN SWITCHING

(45-day comment period version of the regulations. The following is the proposed definitions within the RPPC regulations for both "Material Type" and "Source Reduced Container." Both affect the process of "Resin Switching.")

Section 17943 (~~14 f~~) "Material Type" for purposes of this provision refers to means broad feedstock categories, such as, but not limited to, paper, glass, plastic or aluminum and individual plastic resins. "Material type" does not mean individual plastic resins.

Section 17943 (~~31w~~) "Source reduced container" means ~~either of the following:~~

~~—(A) A rigid plastic packaging container for which the manufacturer seeks compliance as of January 1, 1995, whose package weight per unit or use of product has been reduced by 10 percent when compared with the packaging used for that product by the manufacturer from January 1, 1990, to December 31, 1994.~~

~~—1. If the product held by the container was sold prior to January 1, 1990, the non-source reduced container weight is the average weight of the container during the first 60 days commencing with the first day of sale in multiple jurisdictions in 1990.~~

~~2. If the product held by the container was initially sold on or after January 1, 1990, the non-source reduced weight is the average weight of the container during the first 60 days it was introduced for sale in multiple jurisdictions.~~

~~(B) (1) A rigid plastic packaging container for which the manufacturer seeks compliance after January 1, 1995, whose package weight per unit or use of product has been reduced by 10 percent when compared with one of the following:~~

~~(1A). The packaging used for the product by the product manufacturer as of ~~on~~ January 1, 1995.~~

~~(2B). The packaging used for ~~that~~ the product by the product manufacturer over the course of the product's first full year of commerce in this state.~~

~~(3C). The packaging used in commerce during the ~~that~~ same year for similar products in similar rigid plastic packaging containers by the product manufacturer or other product manufacturers that are held by "particular type rigid plastic packaging containers," as defined in this Article, whose containers have not been considered source reduced. "Similar rigid plastic packaging containers" are rigid plastic packaging containers that are alike in material type, shape, and volume. "Similar products" are the same products held by "particular type rigid plastic packaging containers", as defined in (21) of this~~

~~section. The product manufacturer may demonstrate a comparison to "similar products" made by the same product manufacturer or made by another manufacturer.~~

(C2) A rigid plastic packaging container is not a source reduced container for the purposes of this chapter Article if the packaging reduction was achieved by any of the following:

~~(1A):~~ Substituting a different material type for a material which previously constituted the principle material of the container.

~~(2B):~~ Increasing a container's weight per unit or use of product after January 1, 1991.

~~(3C):~~ Packaging changes that adversely affect the potential for the rigid plastic packaging container to be recycled or to be made of postconsumer material. The ~~Department Board~~ may review any information provided by the product manufacturer, as well as other available information, to determine if the packaging change adversely affects the potential for the rigid plastic packaging container to be recycled or to be made of postconsumer material.

~~(D) For the purposes of calculating source reduction, the stated weight of a non-source reduced container used for comparison purposes must be be weight of the actual non-source reduced container used for twelve consecutive months. If the non-source reduced container has not been used for twelve consecutive months, the product manufacturer must provide information to the Board to support its claim if the Board requests supporting documentation as described in Section 17946.5. In addition, the stated weight of the source reduced container must be no greater than the weight of the actual container used for the duration that the source reduction compliance option is used.~~

~~1. If the source reduction of the container was achieved by manufacturing the container with a different resin than was used for the non-source reduced container, the new container is considered source reduced for the purpose of this program.~~

~~2.(3) Any source reduction achieved by changing the rigid plastic packaging container to a non-rigid flexible-plastic container may be credited to other containers as part of the averaging method of compliance described in Section 17944 (b)., Container Requirements.~~

~~3.(4) If a rigid plastic packaging container for a specific product is entirely eliminated and the same that product is sold in California without any packaging, the source reduction may be credited to other regulated containers used by the product manufacturer as part of the averaging method of compliance described in Section 17944 (b)-Container Requirements.~~